

RONALD J. TENPAS
Acting Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division
Washington, D.C.
NELSON COHEN
United States Attorney
Anchorage, Alaska
MARK A. NITCZYNSKI
US Department of Justice
Environmental Defense Section
1961 Stout Street - 8th Floor
Denver, CO 80294
Phone: (303) 844-1498
Fax: (303) 844-1350
RICHARD L. POMEROY
DANIEL COOPER
Assistant United States Attorney
District of Alaska
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9
Anchorage, Alaska 99513
Telephone: (907) 271-5071

Attorneys for Plaintiff United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. A-01-378 Civil (RRB)
v.)	
)	
CLARENCE ABELDGAARD,)	JUNE 12, 2007 STATUS REPORT
OCEANVIEW ENTERPRISES, INC.,)	AND REQUEST TO REQUIRE
CLOYD MOSER and MODEB)	GERALDINE BARLING TO FILE
INVESTMENTS,)	STATUS REPORT
)	
Defendants.)	
_____)	

In accordance with this Court's May 30, 2007 Order Continuing Stay of Proceedings
Against Geraldine Barling (Docket No. 175), Plaintiff United States of America ("United

States”) hereby submits this June 12, 2007 Status Report and Request to Require Geraldine Barling to File Status Report (“Status Report”). The United States states as follows:

1. As previously reported to the Court, the United States and Ms. Barling reached a proposed agreement during a settlement meeting in Anchorage, Alaska on February 28, 2007. Shortly thereafter, counsel for Ms. Barling informed counsel for the United States that Ms. Barling had agreed to the terms of a proposed consent decree, and the United States reported that it was in the process of finalizing the proposed consent decree and seeking the required approvals of it.^{1/}

2. As also previously reported, the United States continued to make the changes required to finalize the consent decree, moved forward the approval processes at EPA and at the Department of Justice, and circulated the proposed consent decree for signature within the federal government.^{2/}

3. However, as also previously stated to the Court, counsel for Ms. Barling reported that a fire had occurred at a house owned by Mr. Abeldgaard and/or Ms. Barling on April 23, 2007. When the previous status report was due on May 29, 2007, counsel for Ms. Barling requested an additional two weeks, until June 12, 2007, to confer with his client and determine whether the proposed consent decree may be lodged with the Court. This Court granted that request. (Document No. 175).

^{1/} As previously explained more fully, all such potential settlements require formal review and approval at EPA and the Department of Justice.

^{2/} As previously reported, other personnel at the Department of Justice and EPA finalized the proposed consent decree and obtained signatures from required government officials while undersigned counsel was on parenting leave.

4. Today, counsel for Ms. Barling reported that the previously negotiated consent decree should not be lodged with the Court at this time but that Ms. Barling was still working on financial arrangements to enable her to resolve the case through settlement. The outcome of those efforts appear uncertain, however.

5. The United States desires to move the case forward but also would like to give Ms. Barling a short amount of additional time to determine whether the case may be resolved through settlement. In addition, the United States believes it would be beneficial for Ms. Barling to explain her position and suggest further proceedings in the case.

6. Therefore, the United States requests that the stay of proceedings against Ms. Barling be continued for one week, to June 19, 2007, and that Ms. Barling be required to file a status report on or before that date suggesting further proceedings. The United States further suggests that the United States submit a response to Ms. Barling's status report on or before June 22, 2007. A proposed order is being filed contemporaneously with this Status Report.

Respectfully submitted,

RONALD J. TENPAS
Acting Assistant Attorney General
Environment and Natural Resources Division
UNITED STATES DEPARTMENT OF JUSTICE

/s/ Mark A. Nitczynski
MARK A. NITCZYNSKI
Environmental Defense Section
UNITED STATES DEPARTMENT OF JUSTICE
1961 Stout Street - 8th Floor
Denver, CO 80294
PHONE: (303) 844-1498
FAX: (303) 844-1350

NELSON COHEN

United States Attorney
District of Alaska
RICHARD L. POMEROY
Assistant U.S. Attorney

OF COUNSEL:
DAVID ALLNUTT
U.S. ENVIRONMENTAL PROTECTION AGENCY,
REGION X
Seattle, Washington

Attorneys for Plaintiff United States

CERTIFICATE OF SERVICE

I, Mark A. Nitzczynski, certify that on this June 12, 2007, I caused to be filed electronically the foregoing JUNE 12, 2007 STATUS REPORT AND REQUEST TO REQUIRE GERALDINE BARLING TO FILE STATUS REPORT (along with the [PROPOSED] ORDER CONTINUING STAY OF PROCEEDINGS AGAINST GERALDINE BARLING AND REQUIRING GERALDINE BARLING TO FILE STATUS REPORT) with the Clerk of Court using the CM/ECF system, which sends a Notice of Electronic Filing to Darryl L. Thompson (counsel for Defendant Geraldine Barling), and that I caused hard copies of the foregoing to be served by United States mail on the following persons:

Lawrence V. Albert
P.O. Box 200934
Anchorage, AK 99520

Counsel for Cloyd Moser and Modeb Investments

C.E. Abeldgaard
Oceanview Enterprises, Inc.
P.O. Box 891
Homer, Alaska 99603

Pro Se

/s/ Mark A. Nitzczynski
MARK A. NITCZYNSKI